



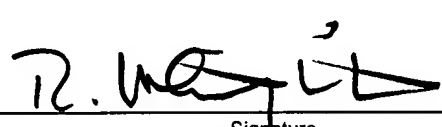
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through 06/30/2008. OMB 0651-0031

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		10/666,534	September 19, 2003
		First Named Inventor	
		Clayton KITTRELL, et al.	
		Art Unit	Examiner
		2626	Leonard Saint Cyr
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record, 44,432 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p> Signature R. Whitney Winston Typed or printed name (202) 429-3000 Telephone number June 23, 2008 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clayton KITTRELL, et al.

Confirmation No.: 5884

Serial No.: 10/666,534

Art Unit: 2626

Filing Date: September 19, 2003

Examiner: Leonard Saint Cyr

Title: TRANSPORTABLE DOCUMENT IDENTIFIER

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the New Pre-Appeal Brief Conference Pilot Program, 1296 Off. Gaz. Pat. Office 67 (July 12, 2005), Applicant hereby requests review of the rejections in the above-identified application. A Notice of Appeal is filed herewith.

REMARKS

Claims 1-19 are pending, with claims 1, 11, and 17 being independent.

All claims stand rejected under 35 U.S.C. § 102(b) over Smithies et al., U.S. Patent No. 6,091,835. Smithies discloses a system that captures a voice signature by directing "a ceremony whereby the party affirming the document, transaction or event is required to undertake a series of steps in order to successfully complete the affirmation and have the affirmation recorded." See Smithies (Abstract). Applicants' claimed invention improves upon certain techniques disclosed by Smithies by better linking voice signatures to documents being signed.

Smithies Fails to Disclose a Speakable Identifier Summarizing a Document's Contents

The Office Action mailed December 21, 2007 appears to argue that because Smithies discloses the use of digital signatures, Smithies must disclose using a speakable identifier as claimed.

pp. 2 & 3. However, this position is completely devoid of merit. Smithies fails to disclose any voice scripts that include a speakable identifier summarizing the contents of a document, as claimed. Smithies merely discloses voice scripts that reference a document by a name, and there is no disclosure or suggestion that such name be a summary of the document's contents.

Smithies discloses transcript objects of various types as follows:

Code	Method
1	Reserved field, unused
2	Handwritten signature
3	Password identification
4	Asymmetric-key cryptographic signature capability
5	Voice identification
6	Iris or retina scan identification
7	Hand geometry scan identification
8	Fingerprint identification
9	Facial geometry identification

(30:34-44). Using Smithies' system, a transcript object can include voice identification, an asymmetric-key cryptographic signature, fingerprint identification, iris or retina scan identification, etc. Smithies no more discloses the use of a speakable identifier summarizing the contents of a document than it discloses imprinting document summaries on the retina of a signer. The Office Action fails to show or explain how Smithies even remotely suggests a voice script including a speakable identifier summarizing the contents of a document.

As Smithies does not disclose or suggest a voice script containing any summary of a document, the arguments raised by applicants' October 17, 2007 amendment remain valid and applicable, and are hereby incorporated by reference. A selection of those arguments are reproduced as follows:

Consider the example beginning on pg. 10, ln. 29 of applicants' specification. Jane Doe desires to sign a document. Using the voice signature technique described by Smithies, a system would walk Jane Doe through a signature "ceremony" and record the keystrokes, utterances, and the like related to the signing process. For example, the system could record Jane Doe stating "I, Jane Doe, hereby sign my July 2002 welfare benefit form." The entire transcript is then used to

create an electronic signature. If Jane Doe's welfare benefit form were later modified, the digital signature may detect the modification; however, modified document would still be the "July 2002 welfare benefit form". Thus, the recorded voice signature would appear to match, even though the contents may have changed.

Applicants claim an improved voice signature system in which a signature code, or some other speakable identifier summarizing the contents of the signed document is included in a voice script. Instead of merely referring to a document name, applicants' claimed system presents a voice script which includes a summary. On pg. 11, lns. 9-10, applicants provide an example voice script that reads "I, Jane Doe, hereby sign my July 2002 welfare benefit form. The signature code is ABCDE", where ABCDE is tied to the contents of the document (i.e., a summary of the contents of the document). In this example, the signature code (i.e., the speakable identifier) is created by computing a hash (i.e., summary) of the contents of the document, and by making the hash speakable. Thus, the voice script reliably ties the contents of the document with a voice recording in a voice signature. In this manner, a voice recording in a voice signature should garner greater evidentiary weight than the prior voice signature techniques.

The plain and ordinary meaning of the term "summary", according to Merriam-Webster's Online Dictionary, is "an abstract, an abridgement, or compendium especially of a preceding discourse." One technique disclosed by applicants to summarize the contents of a document is to calculate a cryptographic hash of the contents. Smithies fails to disclose or suggest a speakable identifier that uses any technique to summarize the contents of a document to be signed. Accordingly, claims 1-19 are allowable.

Smithies Fails to Disclose a Voice Script Including a Cryptographic Hash

Furthermore, with respect to certain dependent claims, the Office Action argues that because Smithies discloses the use of cryptographic hashes (*e.g.*, MD5), Smithies "implies [a] message digest in a voice script." p. 4. There is no logical basis for this position. Nowhere does Smithies suggest that a signor read a voice script that includes a cryptographic hash. In fact, this

statement made by the Office Action is a tacit admission that Smithies does not explicitly disclose this feature. As the Office's position is that Smithies implies a cryptographic hash, a rejection under § 102 is clearly improper. Accordingly, claims 4, 5, 18, 19, and 20 are allowable.

Smithies Fails to Disclose Providing a Hardcopy Document

Similarly, the Office Action makes the baseless assertion that Smithies discloses sending a hardcopy of a document to be signed to a signer, arguing that “[u]sing an analogous paper document implies using a hardcopy document.” p. 4. This is also a tacit admission that Smithies fails to disclose this subject matter and, accordingly, a rejection under § 102 is clearly improper. Accordingly, claims 10 and 14 are allowable.

Smithies Fails to Disclose an IVR System

Finally, the Office Action states that Smithies discloses an interactive voice response system for signature capture, arguing that Smithies discloses “[a] transaction or event triggered by computer interaction.” The phrase “interactive voice response system” (IVR system) has well-established meaning in the art. Accordingly, it is improper for the Office to adopt a contrary meaning. The Office Action has failed to set forth any argument as to how Smithies possibly shows capturing a voice signature using an IVR system. Accordingly, claim 16 is allowable.

Smithies Does Not Suggest Claimed Invention

Despite tacit acknowledgement that Smithies fails to disclose certain limitations of claims 4, 5, 10, 14, and 18-20, the only grounds for rejection is under § 102. As discussed above and in applicants' October 17, 2007 amendment, there is no basis for such rejection. Furthermore, there is no basis for a rejection under § 103. It would not have been obvious to one skilled in the art at the time of invention to use a speakable identifier that summarizes the contents of a document being signed. This claimed innovation is a significant improvement to voice signature technology.


Serial No.: 10/666,534
Docket No.: 16214.0004

CONCLUSION

This application is now fully in condition for allowance. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 16214.0004). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

Date: 6/23/08


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